

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTO GARCIA,

Defendant.

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8:04CR434

ORDER

Defendant has filed a waiver of speedy trial (#22) in compliance with the court's earlier order.

IT IS ORDERED that defendant's Motion to Continue Trial (#20) is granted, as follows:

1. Trial of this matter is continued to **Tuesday, July 19, 2005 at 9:00 a.m.** before Judge Laurie Smith Camp and a jury.

2. Any motions for a continuance of this trial date shall be electronically filed on or before **July 7, 2005** and shall (a) set forth the reasons why the moving party believes that the additional time should be allowed and (b) justify the additional time, *citing specific references to the appropriate section(s) of the Speedy Trial Act, 18 U.S.C. § 3161 et seq.* Any defense motion for continuance shall be accompanied by a written affidavit signed by the defendant in accordance with NECrimR 12.3.

3. The ends of justice will be served by rescheduling the trial date and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **June 13, 2005 and July 19, 2005** shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of defense counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED May 24, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**